

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 04.07.2018**

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR**W.P.(MD)No.14266 of 2018**

R.Gopalakrishnan

...Petitioner

Vs.

The Agricultural Production and
Principal Secretary to Government,
Agricultural Department,
Secretariat,
Chennai 600 009

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent (i.e.,) the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Chennai to pass appropriate orders in the disciplinary action initiated by the Government in Letter No.33008/AA8(2)/2009-6, dated 17.06.2010, within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.K.Saravanan,
Government Advocate.**O R D E R**

The prayer sought for in the Writ Petition is for a Writ of Mandamus, directing the respondent (i.e.,) the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Chennai to pass appropriate orders in the disciplinary action initiated by the Government in Letter No.33008/AA8(2)/2009-6, dated 17.06.2010, within a specified time frame, that may be fixed by this Court.

2. Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate appearing for the respondent.

3. Learned counsel appearing for the petitioner would submit that, the petitioner was last serving as Horticulture Officer, Sivakasi, Virudhunagar District, under the control of Deputy Director of Horticulture, Virudhunagar. In the year 2010,



disciplinary action was initiated against the petitioner, by the Government letter dated 17.06.2010, for the alleged delinquency that took place in the year 2006-2007.

5. Based on the charge memo and the explanation given by the petitioner, an Enquiry Officer was appointed and the Enquiry Officer conducted the enquiry and filed the enquiry report on 03.07.2012. Thereafter, further explanation was called for from the petitioner, which was also furnished by the petitioner on 31.07.2014. Even though everything was concluded by the year 2014, the respondent, being the Disciplinary Authority, has not so far passed any orders by concluding the disciplinary proceedings, because of which, the petitioner is affected.

6. Hence, the learned counsel appearing for the petitioner would submit that, if a direction is given to the respondent to pass orders on the disciplinary proceedings initiated against the petitioner in the year 2010, based on the enquiry report and explanation given by the petitioner, within a time frame that may be stipulated by this Court, the petitioner would be satisfied.

7. I have heard Mr.K.Saravanan, learned Government Advocate appearing for the respondent, who would submit that, since the enquiry was concluded and the second explanation was obtained from the petitioner in the year 2014 itself, certainly, the respondent, who is the Disciplinary Authority, would pass final orders on the disciplinary proceedings immediately.

8. Considering the facts and circumstances of the case and also the submissions made by both sides, this Court is inclined to pass the following orders:

"that the respondent is directed to take into account the Enquiry Officer's report as well as the explanation given by the petitioner with regard to the disciplinary proceedings initiated against the petitioner dated 17.06.2010 and pass final orders thereon, within a period of four weeks from the date of receipt of a copy of this order."

9. With this direction, this Writ Petition is disposed of. However, there shall be no order as costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-II)



To
The Agricultural Production and
Principal Secretary to Government,
Agricultural Department,
Secretariat,
Chennai 600 009

+1 CC To MR.S.VISVALINGAM, Advocate SR. NO. 71024
+1 CC TO The Special Government Pleader SR.NO.71273

Order made in
W.P. (MD) No.14266 of 2018

STS
DS/RP/SAR-II (23.10.2018) 3P 4C